



## **The Supreme Court of Texas**

**CHIEF JUSTICE**  
**WALLACE B. JEFFERSON**

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**CLERK**  
**BLAKE A. HAWTHORNE**

**JUSTICES**  
**NATHAN L. HECHT**  
**DAVID M. MEDINA**  
**PAUL W. GREEN**  
**PHIL JOHNSON**  
**DON R. WILLETT**  
**EVA M. GUZMAN**  
**DEBRA H. LEHRMANN**

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**ADMINISTRATIVE ASSISTANT**  
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**PUBLIC INFORMATION OFFICER**  
**OSLER MCCARTHY**

November 28, 2012

**The Honorable Rick Perry**  
**Office of the Governor**  
**P.O. Box 12428**  
**Austin, Texas 78711-2428**

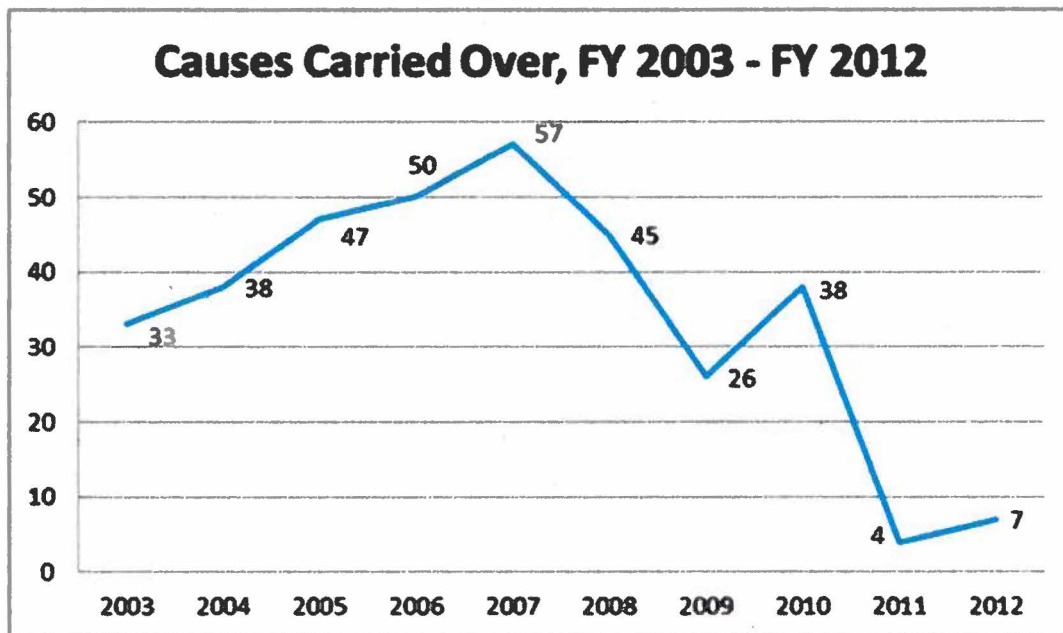
**Legislative Budget Board**  
**P.O. Box 12666**  
**Capitol Station**  
**Austin, Texas 78711**

**RE: Supreme Court Annual Report, Fiscal Year 2012**

**Dear Governor Perry and Members of the Legislative Budget Board:**

The Legislature requires the Chief Justice of the Supreme Court to present an annual report to the Governor and the Legislative Budget Board discussing the Court's performance and addressing Justices' adherence to the Court's internal operating procedures. This report presents data from fiscal year 2012.

The Court issued 128 total opinions. Ninety-four were deciding opinions, including fifty-six majority opinions and thirty-eight per curiam opinions. Similar to last year, the Court disposed of nearly all cases argued during the fiscal year. Only seven argued cases remained pending on August 31, 2012. The last two years the Court has carried over the fewest number of cases since it began keeping this statistic more than twenty years ago. The following chart displays the Court's carryover at the end of the last ten fiscal years.



Several factors have aided in the Court's efficiency. Foremost is the dedication of the Justices and staff. In addition, since September 2011, the Court has required all attorneys to file briefs electronically, which gives the Justices instant access to all briefs filed in each case. The Legislature's assistance has been essential. In 2007 and 2009, the Legislature appropriated funds to the Office of Court Administration to build a new appellate case management system. This system permits the Justices to circulate draft opinions on a secure network. These technological advances streamline the consideration of petitions, internal memoranda, and draft opinions. In addition, the Court monitors internal benchmarks for the circulation of majority and per curiam opinions, separate writings, and for a Justice to complete review of another Justice's draft opinion.

While efficiency remains a paramount concern, the Court's ultimate goal is to carefully consider each case and to produce thorough and accurate declarations of the law. Some cases require more time than internal benchmarks afford. Factors that may delay a case's resolution include the complexity of the legal issues involved; the number of separate writings affiliated with the opinion; whether similar legal issues will be decided in another case pending before the Court; judicial recusals, resignations, and retirements; and the parties' requests for extensions and abatements.

The Court's Justices met nearly all internal benchmarks in fiscal year 2012 and improved upon last year's performance. The Court's Justices collectively missed only thirteen benchmarks, missing nearly half of these by fewer than thirty days. No Justice missed an internal benchmark by more than seventy-five days. The following charts display the Court's improvement from last year and the performance of each Justice in fiscal year 2012.

Measure	FY 2011	FY 2012	Change
Total missed benchmarks	17	13	-24%
Total days late	794	518	-35%
Average days late per missed benchmark	47	40	-15%
Number of Justices missing benchmark	7	4	-43%

Justice	Number of Missed Internal Benchmarks in FY 2012	Average Days Late Per Missed Benchmark
Chief Justice Wallace B. Jefferson	0	n/a
Justice Nathan L. Hecht	7	48
Justice Dale Wainwright	2	26
Justice David M. Medina	3	35
Justice Paul W. Green	1	28
Justice Phil Johnson	0	n/a
Justice Don R. Willett	0	n/a
Justice Eva M. Guzman	0	n/a
Justice Debra H. Lehrmann	0	n/a

The preceding data is fairly evaluated only as compared with overall productivity. Like last year, the missed benchmarks *did not hinder the Court's or any Justice's output* in fiscal year 2012. Of the thirteen benchmarks missed, only two items remained outstanding at the end of the fiscal year. The following chart reflects majority opinions, per curiam opinions, concurrences and dissents issued during fiscal year 2012.

Opinions by Justice, FY 2012				
Justice	Majority Opinions	Per Curiam Opinions	Other Opinions	Total Opinions
Chief Justice Wallace B. Jefferson	6	9	5	20
Justice Nathan L. Hecht	8	4	7	19
Justice Dale Wainwright	9	3	2	14
Justice David M. Medina	5	3	1	9
Justice Paul W. Green	4	3	0	7
Justice Phil Johnson	6	3	2	11
Justice Don R. Willett	4	3	7	14
Justice Eva M. Guzman	7	5	4	16
Justice Debra H. Lehrmann	7	5	6	18

Evaluation of a Justice's performance must also take into account more than a single year's production. While a Justice may have authored a relatively low number of opinions in a given year, he or she may have written prolifically in prior years, leaving few assigned cases for a subsequent fiscal year. Authorship of opinions in prior fiscal years is tabulated by the Office of

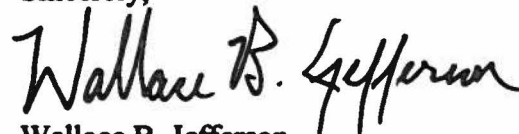
Court Administration – <http://www.courts.state.tx.us/pubs/AR2012/toc.htm>. The following chart, for example, displays opinions issued in fiscal year 2011.

Opinions by Justice, FY 2011				
Justice	Majority Opinions	Per Curiam Opinions	Other Opinions	Total Opinions
Chief Justice Wallace B. Jefferson	10	1	8	19
Justice Nathan L. Hecht	15	12	5	32
Justice Dale Wainwright	10	6	6	22
Justice David M. Medina	8	4	3	15
Justice Paul W. Green	4	1	2	7
Justice Phil Johnson	13	6	7	26
Justice Don R. Willett	5	3	11	19
Justice Eva M. Guzman	6	2	3	11
Justice Debra H. Lehrmann	3	3	5	11

Beyond the Court's caseload, each Justice has administrative responsibilities. These additional duties include serving as liaisons for Court boards, task forces, commissions, and committees; participating in the rule drafting and approval process; and educating lawyers throughout Texas at continuing legal education programs. The Court has collaborated with the Legislature to create rules implementing legislative priorities. Most recently, the Eighty-Second Legislature delegated to the Court responsibility for drafting rules related to dismissal of cases (HB 274), expedited actions (HB 274), interlocutory appeals (HB 274), offers of settlement (HB 274), small claims (HB 79), cases requiring additional resources (HB 79), appeals in termination of parental rights cases (HB 906), returns of service (HB 962), and expedited foreclosures (HB 1228). The Court has successfully met all legislative deadlines thus far with regard to these rules.

In the coming year the Court will continue to handle cases efficiently, but not prematurely. Other goals for the next fiscal year include sustained efforts to ensure indigent Texans access to our courts; harnessing technology to decrease costs for litigants, increase efficiency and improve transparency; timely promulgating rules as requested by the Legislature; and smoothly transitioning two new Justices on the Court with minimal interruption to the docket. As always, I am immensely proud of the Court's work and look forward to a productive fiscal year 2013.

Sincerely,



Wallace B. Jefferson  
Chief Justice

cc: Hon. David Dewhurst  
Hon. Joe Straus  
Hon. Tommy Williams  
Hon. Jim Pitts  
Hon. Robert Duncan  
Hon. Harvey Hilderbran  
Hon. Juan Hinojosa  
Hon. Dan Branch  
Hon. Judith Zaffirini  
Hon. Sylvester Turner